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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,091	04/02/2004	Dean G. Bair	POU920030093US1	2130
46369	7590	09/06/2006	EXAMINER	
HESLIN ROTHENBERG FARLEY & MESITI P.C.			SCHLIE, PAUL W	
5 COLUMBIA CIRCLE			ART UNIT	
ALBANY, NY 12203			PAPER NUMBER	
			2186	

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/817,091	Applicant(s) BAIR ET AL.	
	Examiner Paul W. Schlie	Art Unit 2186	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Claims 1-31 have been examined as amended.

Response to Arguments

2. Applicant's arguments filed 8/10/06 have been fully considered but are not persuasive; as Wier et al. is considered to clearly teach that test/verification vectors (which inherently comprise addresses, if the target of the test/verification itself comprises address signals) may be a function of at least one variable/attribute which affects both the generation of a tentative test/verification vector (i.e. address) and it's final selection/filtering for inclusion in a test/verification vector sequence/list, as clearly shown in figure 2 of the reference; as element 206 clearly denotes the generation of a test vector as a function of at least one variable/attribute (being in this case the behavior model state), and element 212 clearly selecting/filtering the generated test/verification vector (i.e. address) for inclusion test/verification sequence/list also as a function of the same variable/attribute (i.e. the behavioral model state).

Further, with respect specifically to claims 7 and 8, as it is clear that that taught by Wier et al. is intended to be embodied in computer executable program code (as is well understood may be embodied utilizing C++ program code within a "class") that may itself be "tailored" (see column 4 line 26); and that as any ordered set, comprising any number of elements greater than one, have uniquely identifiable attributes which may inherently be utilized to sub-classify elements within that set (even if that attributes is simply an element's order within that set); any claims comprising obvious or non specific variants of the same are not considered patentably distinguishable; and with respect to

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claim 9, as it is interpreted that "requester" refers to the code/context which made the "call" to the test/verification generator/filter code, as a "call" implicitly includes a return context to enable the return of any result of a calculation to the "caller", the claim is considered to be an inherent capability of all software encapsulated within the context of a function or class.

However, a claim detailing a specific configuration of a test/verification vector generator having specific uniquely identifiable attributes and/or steps, and/or provides a specific non-obvious utility may be considered patentably distinguishable over the art of record, and allowable if supported by the current disclosure.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weir et al. (5,729,554).

As per independent claims 1, 11, 21, 22, Weir et al. teaches a system and/or method comprising the means to enable a set of test/verification patterns/vectors (which one of ordinary skill in the art understands may include addresses) to be automatically generated a function of a set of defined constraints which may include goals associated with the simulated results derived from a tentative pattern/vector chosen from a list/sequence of pseudo-random values (whose sequence, as understood by one of

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ordinary skill in the art, may be inherently affected by a correspondingly definable initial value and/or feedback polynomial) and an arbitrarily complex state of a user defined model; thereby considered obvious to one of ordinary skill in the art to combine that taught by Weir et al. relevant to the claims with that considered common knowledge to one of ordinary skill in the art, for the benefit of enabling test patterns/vectors/addresses within a verification environment to be generated and/or selectively utilized based upon a set of one or more user defined criteria and/or constraints from a list/sequence of synthesized values comprising particular attributes. (See abstract, column 2 lines 8-24, figure 2 and 8, and appendix A; and further although not cited as the basis of the rejection, patent 6,292,765 and correspondingly referenced art are also considered to largely teach and/or render obvious that claimed.)

As per claims 2-10, 12-20 and 23-31, being dependent on claims 1, 11, 22, or correspondingly dependent claim inclusively, as claims (2-10) are considered inherent in that taught and/or rendered obvious as reviewed above (as a definable pseudo-random list/sequence which may be further arbitrarily mutated and/or selectively filtered based upon a state of a model, is considered to be implicitly a function of one or more arbitrarily definable selection/filter/mutation attributes/constraints/subdivisions/functions), and are thereby rejected; and as claims (12-20, and 23-31) are considered inherently encompassed by claims (2-10) in other form, they are correspondingly rejected based upon the same arguments as presented above.

Conclusion

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul W. Schlie whose telephone number is 571-272-6765. The examiner can normally be reached on Mon-Thu 8:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim can be reached on 517-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



PIERRE BATAILLE
PRIMARY EXAMINER

9/1/06